

# **Exhibit A**

## **N.Y. appeals stormwater ruling; judge backs Riverkeeper, Soundkeeper on stricter permits**

*Written by Ken Valenti*  
*Jun 12*

lohud.com

New York has appealed a court decision that eventually could require many towns, villages and cities to take more steps to curtail stormwater from washing pollution into the Hudson River, Long Island Sound and other bodies of water.

Eight environmental groups, including the Hudson Riverkeeper and the Long Island Soundkeeper, are locked in a battle with the state, charging that a stormwater system permit that municipalities must sign onto fails to do enough to ensure that oils, fertilizer, animal feces and other pollutants are stopped on their way.

“It is probably one of the most significant threats to water quality that we have today,” Kate Hudson, watershed program director with Riverkeeper, said of stormwater runoff.

In January, state Supreme Court Justice Joan Lefkowitz in White Plains ruled that the Department of Environmental Conservation’s permit system failed to meet a federal mandate to protect the waters. The state, in its filing with the state court’s Appellate Division, said its permit process was reasonable and that Lefkowitz’s ruling could cause “real harm.”

“If its ruling stands, DEC will be compelled to divert substantial resources to administering ‘the functional equivalent’ of individual permits for 513 covered entities, adversely affecting its ability to protect the environment,” the appeal reads.

Environmentalists say a general permit the DEC put in place in 2010 for separate stormwater sewer systems does not reduce pollution “to the maximum extent practicable,” as required by federal law, and that it lets towns, villages and cities essentially write their own plans without public hearings.

Lefkowitz agreed with the environmental groups on many counts, ruling the permit was “unlawful” because it creates an “impermissible self-regulatory system” for municipalities.

With the general permit, a municipality must file a “notice of intent” to discharge stormwater. But Reed Super, an attorney for seven of the environmental groups, said the form does not ensure pollution will be curtailed as much as it could be.

# **Exhibit B**



All Boroughs

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## Bronx Residents Hail Court Ruling That Could Reduce Pollution On Waterways

By: Michael Herzenberg 03/17/2012 03:27 PM

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*A court ruling this year could reduce pollution in ponds, lakes, river and on beaches throughout the state. NY1's Michael Herzenberg filed the following report on the decision and who it could impact.*

"Rocking the Boat" is a non-profit organization that uses boatbuilding to help empower young people in the Bronx. But at a recent building session, even the participants didn't know much about the river that runs through their borough.

"I don't know about the whole water thing," said 19-year-old Wykima Walden.

"I've never been on the water in any type of boat," said Isaiah Welsh.

That will change soon enough, as the students take to the water in the boat they're constructing. But they won't likely swim in the water – because it's polluted.

Chrissy Word, Rock the Boat's director of public programs, has been on the water for a decade, and despite seeing more wildlife, last summer she saw possible evidence of more pollution.

"Runoff and combined sewer outflow is overloading nutrients in the river," Word says.

Rain washes road oil, pesticides, pet waste and even raw sewage into the Bronx River. But a recent court ruling could improve the situation.

The Natural Resources Defense Council recently sued the state, saying it wasn't making sure local governments are reducing polluted runoff. The judge agreed, ruling that "the state broke the law by incorporating a permitting scheme that creates an impermissible self-regulatory system."

"The court said that the state effectively isn't doing its job," says Larry Levine, senior attorney for the Natural Resources Defense Council. "It would improve the quality of our waterways by tightening standards that reduce polluted runoff in those literally hundreds of cities and towns across the state," he said of the ruling.

State officials say they're reviewing the court's decision, which could affect Long Island Sound, beaches around Long Island and the Bronx River.

The state could still appeal, but students in the Rock the Boat program say they'd rather that didn't happen because they want a cleaner river for the fish and fowl that depend on it.

"If you stop the pollution, then more fish would come in," one participant said.

And one Rock the Boat instructor agrees.

"If we want to see change," says Stephanie Cabral, "we have to go in there and do it ourselves sometimes."

#### **MORE INFO**

To see additional information provided by the Natural Resources Defense Council, see the following:

- [NRDC Posting of the Court's Decision](http://switchboard.nrdc.org/blogs/llevine/Sup%20Ct%20decision%20%281-10-12%29.pdf)  
(<http://switchboard.nrdc.org/blogs/llevine/Sup%20Ct%20decision%20%281-10-12%29.pdf>)
- [List of Covered Municipalities, posted by NRDC](http://switchboard.nrdc.org/blogs/llevine/list%20of%20MS4s.pdf)  
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# The Big Story

## Report: NY, NJ had more than 1,800 beach closings

By **MARY ESCH**

— Jun. 26, 2013 5:38 PM EDT

[Home](#) » [New Jersey](#) » Report: NY, NJ had more than 1,800 beach closings

ALBANY, N.Y. (AP) — Pollution or the threat of contamination prompted more than 1,800 beach closings or advisories along the Atlantic and Great Lakes coasts in New York and New Jersey last summer, according to the 23rd annual beach quality report released Wednesday by the Natural Resources Defense Council.

The report analyzed government data on water testing at more than 3,000 beaches nationwide. It found there were 1,871 closing and advisory days between New York and New Jersey last year. The survey included 236 beaches in New York and 223 in New Jersey that were monitored.

The environmental group posted the report on its website ([www.nrdc.org/beaches](http://www.nrdc.org/beaches)) along with a searchable map and guides for consumers to find clean beaches for their summer vacations.

The most common cause of contamination was storm water runoff, with sewage overflows also a factor. Nearly 70 percent of the closings and advisories reflected a threat of potential pollution from heavy rain or other factors, rather than actual findings of high bacteria counts.

The report says lingering damage from Hurricane Sandy has caused nine beaches to remain closed. Sewage pollution from Sandy's flooding didn't contribute to annual beach-closing numbers because it happened after the 2012 swimming season ended.

The report includes a 5-star rating guide to 200 of the nation's popular beaches based on water quality and best practices for testing and public notification. No beaches in New York or New Jersey were among the 13 5-star beaches, but 14 got 4 stars.

Two beaches in the states were among the nation's top 11 "repeat offenders," which repeatedly show high bacteria counts. They are New Jersey's Beachwood Beach in Ocean County and New York's Ontario Beach in Monroe County. The borough of Beachwood began a project in 2012 to track sources of pollution and enhance beach water quality sampling.

The environmental group said the best way to prevent pollution from storm water runoff is to invest in infrastructure such as

porous pavement, green roofs, parks, roadside plantings and rain barrels. Such measures prevent rain from carrying runoff from streets and overflowing sewers into waterways.

The group also called on the Environmental Protection Agency to revise water quality standards to protect swimmers from waterborne bacterial illnesses. Last week, NRDC and a coalition of other groups filed a 60-day notice of intent to sue EPA if the agency doesn't adopt stricter water quality criteria that adequately protect beachgoers from gastrointestinal illness, rashes, eye and ear infections and other disease.

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Report and searchable map: [www.nrdc.org/beaches](http://www.nrdc.org/beaches)

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## News

# Report: Nearly 1,900 Beach Closings, Advisories Issued In NY & NJ Last Summer

14 NY/NJ Beaches Receive 4 Out Of 5 Stars For Water Quality

June 26, 2013 12:15 PM

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Gray skies over the beach on Coney Island on Memorial Day Weekend (Credit WCBS 880 Monica Miller)

**Related Tags:** [Beaches](#), [National Resources Defense Council](#), [Superstorm Sandy](#), [Water Quality](#)

**NEW YORK (CBSNewYork)** – The National Resources Defense Council is out with its 23rd annual beachwater quality report.

The survey found there were nearly 1,900 closings or advisories issued at New York and New Jersey beaches last summer because of pollutants and serious contamination from stormwater runoff and sewage overflows.

"No one wants to go swimming in sewage on their summer vacation," said NRDC senior attorney Lawrence Levine. "Polluted water is not only bad for people's health, but bad for local business in beach communities. By tackling contamination at its source—stormwater runoff—we can help prevent a trip to the shore from turning into a trip to the doctor."

**EXTRA:** [Read The Full Report](#)

Levine told 1010 WINS people should use common sense when going to the beach and avoid swimming for at least 24 hours after a rainfall and 72 hours after heavy rains.

People should also stay away from beaches that have visible discharge pipes or if the water "looks or smells funny," Levine said.

The [report also rated beaches on a five-star system](#) for "water quality and best practices for testing and public notification."

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Fourteen beaches in [New York](#) and [New Jersey](#) received four stars; none were awarded five.

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The survey was conducted before superstorm Sandy struck on Oct. 29, [dumping 11 billion gallons of sewage](#) into Mid-Atlantic waterways.

"Superstorm Sandy hit last year after the close of beach season so it doesn't show up really in the results of water quality tests that are collected in this report for last summer," Levine told 1010 WINS.

The storm destroyed beach infrastructure throughout the region. Many beaches have been repaired and reopened, but nine remain closed as a result of Superstorm Sandy.

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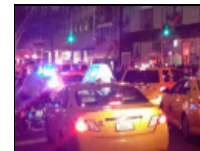
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